



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/995,715	12/22/97	GENNADIEVICH	I 0971/OD319

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LM01/0613

EXAMINER

BRIER, J

ART UNIT

PAPER NUMBER

2779

11

DATE MAILED:

06/13/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/995,715

Applicant(s)

GENNADIEVICH, IVANOV
ANATOLY

Examiner

Jeffery A Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 2/1/00, 3/2/00, 3/27/00, and 5/9/00.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/01/00 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 25 and 31 are objected to because of the following informalities:

Claim 25 is objected to because at line 2 "an" should be --a--.

Claim 31 is objected to because at line 3 "is performance" should be --is performed--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 31, 35, and 37 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 31, 35, and 37 claim "generated optic raster elements comprise functional elements, such as periodic functions used for image compression/decompression". The originally filed specification did not describe this.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 31, 35, and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. The phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Drawings

6. The drawings are objected to because:

The substitute drawings, figures 1-7, raise new matter issues since these drawings are different than the foreign priority document's drawings and the details of these drawings are not supported by the specification;

Substitute figure 6 has no detailed description, though, it does have a brief description; and

Figure 8 was not provided in the substitute drawings even though it is briefly described in the brief description of the drawings, however, a detailed description of this figure is not present in the detailed description of the drawings.

Correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims 25, 26, 28-31, and 34-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Furness, III et al., U.S. Patent No. 5,467,104. Figures 5-8 illustrate an LED or laser block display which forms the image with the use of deflectors.

9. Claims 25-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Pu et al, U.S. Patent No. 5,483,365. Matrix display 50 forms a block of the image at any instant in time while the deflector 40 deflects different images formed over time by the matrix display 50 onto the hologram.

Response to Arguments

10. Applicant's arguments filed 2/1/00, 3/2/00, 3/27/00, and 5/9/00 have been fully considered but they are not persuasive.

11. The argument filed on 2/1/00 on pages 7 and 9 concerning OT functions have been considered, but, the argument does not support claims 31, 35, and 37.

12. The argument filed on 2/1/00 on page 10 concerning Furness has been considered and it is not persuasive because the claims are broad and cover both embodiments described by applicant on pages 7 and 8 of the 2/1/00 amendment.

13. The argument filed on 2/1/00 on page 11 concerning Pu has been considered and it is not persuasive because the claims are broad and cover both embodiments described by applicant on pages 7 and 8 of the 2/1/00 amendment.

14. The comments made in the remarks filed on 3/2/00 concerning the amendments made in the 3/2/00 amendment have been considered and they emphasize that the claims are broad,

15. The comments made in the remarks filed on 3/27/00 concerning the amendments made in the 3/2/00 amendment have been considered and they emphasize that the claims are broad,

16. The comments made in the remarks filed on 5/9/00 concerning new claims 25-37 have been considered are deemed to be persuasive to the extent that examination of claims 25-37 have been made herein.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

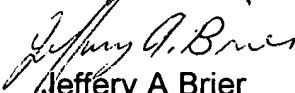
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powel, can be reached on (703) 305-9703. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.


Jeffery A Brier
Primary Examiner
Art Unit 2779
June 9, 2000